

THE HON'BLE MRS JUSTICE T.MEENA KUMARI
&
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

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WRIT PETITION NO :4907 of 1998

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Dated: 08.09.2005

Between:

1. The Chief Post Master General, A.P. Circle, Hyderabad-1.

and two others. .. **Petitioners**

And

1. M. Appalakonda, S/o Maridayya and two others.

.. **Respondents**

THE HON'BLE MRS JUSTICE T.MEENA KUMARI
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WRIT PETITION NO :4907 of 1998

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ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

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This writ petition is filed seeking to quash the order, dated 24.07.1997 passed by the Central Administrative Tribunal, Hyderabad in O.A.No.578 of 1997.

The brief facts that led to the filing of the above O.A. are: The respondents, who are working as Postmen in Gandhigram Post Office, as the Government quarters were not available, made an application to Hindustan Shipyard Limited to provide quarters to them on rental basis. The respondents 1 and 2 were allotted quarters from 27.5.1986 and 7.12.1988 respectively. Thereafter, the 3rd petitioner herein stopped payment of H.R.A. to the respondents. Hence, the respondents herein approached the Tribunal. The Tribunal while disposing of the said O.A. observed that the stoppage of H.R.A. to the respondents is not covered by any specific rule and the petitioners could not say the Rule, on which basis, they stopped the H.R.A. to the respondents and therefore, the respondents are entitled to H.R.A. However, the Tribunal made it clear that the petitioners herein can get proper certificate from the Shipyard authorities to all the rents paid by the respondents and then, pay the H.R.A. from the date of its stoppage.

The learned Standing Counsel appearing for the petitioners contended that as per Rule 5 (c)(ii) of H.R.A. and C.C.A Rules, the respondents are not entitled for house rent allowance and therefore, the Tribunal is not justified in ordering sanction of H.R.A. to the respondents.

On the other hand, the learned Counsel for the respondents contends that the respondents were provided with the quarters in the Hindustan Shipyard Limited, on rental basis and not on free-rent basis and therefore, the C.C.A. rules will not come into picture and, therefore, the order of the Tribunal need not be disturbed.

Perused the material available on record.

As can be seen from the record, it appears, as the Government Quarters were not available, the respondents requested the Hindustan Shipyard Limited to provide quarters to them on rental basis. The petitioners stopped payment of H.R.A. to them on the premise that the residential accommodation was provided to them.

We have gone through the letter addressed by the Hindustan Shipyard Limited to the petitioners herein. It goes to show that the quarters were provided to the respondents at their individual capacity, in its colony, on rental basis. Mere allotment of residential accommodation by the Government undertaking organization i.e., Shipyard cannot be construed as rent free quarters, as the letter clearly discloses that the quarters were provided on rental basis. Moreover, the Tribunal

made an observation that by getting proper certificate from the Hindustan Shipyard Limited in token of receipt of rents from the respondents, the H.R.A. shall be disbursed to the respondents. In that view of the matter, we are of view that the case of the respondents is not covered by the C.C.A. rules and hence, the contention of the petitioners that the respondents are not entitled for H.R.A. under the Rules, does not hold good. Therefore, the findings of the Tribunal does not call for any interference by this Court and the writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

Justice T. Meena Kumari

Justice P. Lakshmana Reddy

Dated: 08.09.2005

Nn.